In the High Court of Punjab and Haryana, at Chandigarh.

C.M. No. 11520-C of 2007 and
R.S.A. No. 4067 of 2007

Date of Decision: 21.12.2007

Gulzar Singh

…Appellant

Versus

Sagli Ram

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Krishan Sehajpal, Advocate
for the appellant.

RAJESH BINDAL, J.

This is an application for condonation of delay of 752 days in filing the present appeal against the judgement and decree passed by the Courts below, whereby the suit for mandatory injunction filed by the respondent/plaintiff, was decreed.

The only reason given in the application for condonation of delay is that every time on enquiry from the counsel engaged to pursue the appeal before the lower Appellate Court, the appellant was informed that his case was still pending and it was only in second week of July 2007 that the appellant was informed that his appeal already stood dismissed on September 28, 2005. Further conduct of the appellant shows that he was not diligently pursuing his case. Even after coming to know about the dismissal of appeal in second week of July 2007, it is evident that copy of judgement and decree was applied only on August 20, 2007 and the same having been

prepared on August 23, 2007 was taken by him only on August 30, 2007 and thereafter also the present appeal was filed before this Court only on October 19, 2007.

In view of these facts on record, I do not find there is any ground much less a justifiable ground for condoning 752 days in filing the appeal. The rights which have been settled between the parties cannot be allowed to be unsettled.

Accordingly, the application for condonation of delay of 752 days in filing the appeal is dismissed. Consequently, the appeal is also dismissed.

(Rajesh Bindal)
Judge

December 21, 2007
"DK"